

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

ADDISON DAVILA,

Plaintiff,

v.

Case No: 4:23-cv-00033

SJ PERRY LLC,

Defendant.

**DEFENDANT SJ PERRY LLC'S PARTIAL MOTION TO DISMISS
PLAINTIFF'S AMENDED COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and this Court's Local Rules, Defendant SJ Perry LLC ("SJ Perry") moves this Court to dismiss, in part, the Plaintiff's Amended Complaint on the grounds that the Plaintiff fails to state a minimum wage claim under the FLSA for which relief can be granted. In support of this Motion, SJ Perry directs the Court to the facts and legal contentions set forth in the accompanying Memorandum filed in Support, any reply brief which may be filed, and any arguments SJ Perry may make at the hearing regarding this Motion.

Dated: May 10, 2023

Respectfully submitted,

SJ PERRY LLC

By: _____/s/

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